

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALFONSO DIAZ, et al.,
Plaintiffs,

v.

EAST SIDE UNION HIGH SCHOOL
DISTRICT, et al.,
Defendants.

Case No. 19-cv-04825-VKD

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiffs Alfonso Diaz and his son, J.D., filed this action on August 14, 2019. Dkt. No. 1. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, plaintiffs' last day to complete service on defendants or to file a motion for administrative relief from the service deadline was November 12, 2019. The docket does not indicate that plaintiffs have completed service or that defendants have waived service of summons.

"If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). The service deadline will be extended upon a showing of good cause. *Id.* In the present action, the 90-day deadline for completing service has long since passed, and no showing of good cause has been made to extend the deadline. No party filed a case management statement or appeared for the December 3, 2019 initial case management conference. Dkt. No. 13.

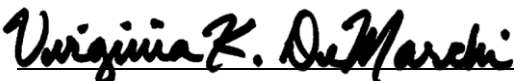
Accordingly, plaintiffs shall appear before this Court on **December 17, 2019 at 10:00 a.m.** in Courtroom 2, Fifth Floor, 280 South First Street, San Jose, California 95113 and show cause why this action should not be dismissed without prejudice for failure to timely complete service of

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process and for failure to prosecute. If plaintiffs contest dismissal, they shall file a response to this order no later than **December 10, 2019** explaining why the action should not be dismissed.

IT IS SO ORDERED.

Dated: December 3, 2019


VIRGINIA K. DEMARCHI
United States Magistrate Judge